

# Title 24 WAC

## APPLE ADVERTISING COMMISSION

**Chapters**

- 24-04 Districts and voting.
- 24-12 Assessments.

### Chapter 24-04 WAC DISTRICTS AND VOTING

**WAC**

- 24-04-005 Addition to Okanogan County subdivision.
- 24-04-010 Subdivisions of District No. 1.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 24-04-035 Voting for grower members of the commission in district No. 2. [Regulation 11, filed 6/24/63.] Repealed by 1/26/67 filing.

**WAC 24-04-005 Addition to Okanogan County subdivision.** The northerly portion of Douglas County lying north of the southern boundary line of Township 29 North is hereby added to the Okanogan County subdivision. At least one grower member of the commission shall at all times be a resident of the said Okanogan County subdivision as hereby enlarged. [Regulation 9, filed 1/26/67; Regulation 9, filed 6/24/63.]

**WAC 24-04-010 Subdivisions of District No. 1.** Two subdivisions of District No. 1, to be known as the northern subdivision and the southern subdivision thereof, are hereby established, and the boundary line between them shall be as follows: Proceeding southeasterly along the summit of the Chelan Mountains (situated west and south of Lake Chelan) to the summit of Forest Mountain; thence south to the intersection of the north line of Section 26, Township 27 North, Range 21 E.W.M. extended westerly; thence east along the said extended line to the northeast corner of said Section 26; thence south along the east line of said Section 26 extended southerly and crossing the Columbia River west of the town of Maple Creek to an intersection with the boundary line between Townships 25 and 26 North; thence east along the said township boundary line to the easterly boundary of Douglas County.

There shall be two grower members of the commission who reside in and are elected by apple growers residing in the said northern subdivision of District No. 1, at least one of whom shall reside in the said Okanogan County subdivision as enlarged in the foregoing regulation. There shall be two grower members of the commission who reside in and are elected by apple growers residing in the said southern subdivision of District No. 1. [Regulation 10, filed 1/26/67; Regulation 10, filed 6/24/63.]

### Chapter 24-12 WAC ASSESSMENTS

**WAC**

- 24-12-001 Promulgation.
- 24-12-010 Amount of assessments.
- 24-12-011 Referendum mail ballot voting eligibility.
- 24-12-060 Records.
- 24-12-070 Seal.
- 24-12-080 Effect of law.
- 24-12-090 Collection of assessments.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 24-12-020 Apple advertising stamps. [Order 3, § 24-12-020, filed 8/28/72; Regulation 3, filed 1/26/67; Regulation 3, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.
- 24-12-030 Stamp books. [Order 3, § 24-12-030, filed 8/28/72; Regulation 4, filed 11/26/67; Regulation 4, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.
- 24-12-040 Bills of lading and releases. [Regulation 5, filed 1/26/67; Regulation 5, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.
- 24-12-050 Reports. [Regulation 6, filed 1/26/67; Regulation 6, effective 9/29/61.] Repealed by Order 6, filed 11/14/77.

**WAC 24-12-001 Promulgation.** Under and by virtue of chapter 15.24 RCW as amended and chapter 11, Laws of 1961, the Washington state apple advertising commission does hereby adopt and prescribe the following amended and restated rules and regulations: [Promulgation, filed 1/26/67; Promulgation, effective 9/29/61.]

**WAC 24-12-010 Amount of assessments.** There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of 32.6 cents on each one hundred pounds gross billing weight. Assessments shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 bushel box (packed or loose)	15 lbs.
1/2 bushel box (loose)	23 lbs.
Bulk bushel container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 bag containers	41 lbs.
13/3 bag container	44 lbs.
10/4 and 8/5 bag containers	45 lbs.
12/4 bag container	53 lbs.

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
Standard tray pack container	46 lbs.
Pocket cell tray pack container	46 lbs.
Cell pack containers, all counts	46 lbs.
2-layer tray pack container	23 lbs.
Single-layer tray pack container	12 lbs.

[Statutory Authority: RCW 15.24.070(1). 82-20-073 (Order 13), § 24-12-010, filed 10/6/82. Statutory Authority: RCW 15.24.070(1) and 15.24.090. 81-16-011 (Order 9), § 24-12-010, filed 7/27/81. Statutory Authority: RCW 15.24.070(1). 79-04-045 (Order 8), § 24-12-011 (codified as WAC 24-12-010), filed 3/27/79, effective with the 1979 and subsequent crops of apples; 78-07-030 (Order 7), § 24-12-010, filed 6/16/78, effective 9/1/78; Order 6, § 24-12-010, filed 11/14/77; Order 1, § 24-12-010, filed 9/19/69; Regulation 2, filed 1/26/67; Regulation 2, effective 9/29/61.]

**WAC 24-12-011 Referendum mail ballot voting eligibility.** (1) In the conduct of a referendum mail ballot pursuant to the provisions of RCW 15.24.090 the commission shall require that each returned ballot be accompanied by a completed apple grower eligibility certificate in substantially the following form:

WASHINGTON STATE APPLE ADVERTISING COMMISSION  
APPLE GROWER ELIGIBILITY CERTIFICATE

(NOTE: All appropriate spaces on this certificate must be completed to properly qualify your vote.)

I HEREBY CERTIFY THAT:

1. My name and address are as follows (please print):  
 Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Residence Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_
2. I am qualified to vote for one of the following reasons (please check the appropriate space):
  - a. \_\_\_\_\_ I am an individual owner-operator or an individual lessee-operator of commercially producing apple orchard/orchards.
  - b. \_\_\_\_\_ I am a member of and have been designated to cast the single ballot for \_\_\_\_\_ (please fill in name), a partnership, joint venture or corporation owning/leasing and operating commercially producing apple orchard/orchards.

3. The orchard/orchards for which I am casting a vote represents \_\_\_\_\_ acres of commercially producing apple trees situate in the county/counties of \_\_\_\_\_ within the State of Washington. (Please combine the total commercially producing acreage for which you are voting in the space above.)

\_\_\_\_\_  
Signature of Voter  
Name (print) \_\_\_\_\_  
Date \_\_\_\_\_

NOTE: A completed apple grower eligibility certificate must accompany each ballot.

(2) The commission and the director of the department of agriculture may, in counting and validating ballots, rely on and accept the representations of eligibility to vote and the representations of acreage as set forth in said certificate.

(3) Apple growers entitled to vote in a referendum mail ballot pursuant to the provisions of RCW 15.24.090 are defined to be each grower who operates a commercial producing apple orchard, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. Individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage.

(4) A commercial producing apple orchard means an apple orchard currently producing or growing apples in sufficient quantity so that said apples are or will be marketed through prevailing commercial channels and are or will be subject to assessment pursuant to the provisions of chapter 15.24 RCW. [Statutory Authority: RCW 15.24.070(1). 82-17-036 (Order 11), § 24-12-011, filed 8/12/82.]

**WAC 24-12-060 Records.** Every dealer and handler shall keep a complete and accurate record of all apples handled and shipped. Such records shall be preserved for a period of two years and shall be subject to audit and offered for examination at any reasonable time when official request is made by an authorized representative of the commission. [Order 3, § 24-12-060, filed 8/28/72; Regulation 7, filed 1/26/67; Regulation 7, effective 9/29/61.]

**WAC 24-12-070 Seal.** The seal of the commission shall be circular in form and contain the following inscription: "WASHINGTON STATE APPLE ADVERTISING COMMISSION SEAL." [Regulation 8, filed 1/26/67; Regulation 8, effective 9/29/61.]

**WAC 24-12-080 Effect of law.** These revised regulations, as provided in said act, have the force and effect of law, and any person who shall violate or aid in the violation of any of these regulations is in violation of Washington state law and is guilty of a misdemeanor.

These regulations hereby repeal and supersede all previous regulations. Definitions of terms in said act are applicable to these regulations. [Regulation 1, filed 1/26/67; Regulation 1, effective 9/29/61.]

Reviser's note: "Said act," see WAC 24-12-001.

**WAC 24-12-090 Collection of assessments.** (1) The commission shall obtain from the department of agriculture a record of all shipments of fresh apples and shall from this record invoice twice monthly all apple dealers and handlers shown thereon. Said dealers and handlers shall remit the amount shown on their respective invoices to the commission office in Wenatchee within ten days of their mailing dates.

(2) Assessments not paid as provided in WAC 24-12-010 shall be delinquent. Delinquent assessments not paid within thirty days of the due dates thereof shall, at the option of the commission, bear interest at the maximum legal rate and in case of suit to collect said delinquent assessments, the commission shall be allowed, in addition to any other relief granted, a reasonable attorney's fee and its costs of suit.

(3) The foregoing procedure for collection of assessments shall apply to all shipments of apples disclosed by department of agriculture records obtained by the commission on or after September 2, 1977. [Order 6, § 24-12-090, filed 11/14/77.]